

REMARKS

Applicants appreciate the Examiner's thorough consideration provided in the present application. Claims 1-40 are currently pending in the instant application. Claims have been amended. Claims 1, 5, 14, 20, 23-26, 28 and 37-39 are independent. Reconsideration of the present application is earnestly solicited.

Reasons for Entry of Amendment

As discussed in greater detail hereinafter, Applicants respectfully submit that the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) are improper and should be withdrawn. Accordingly, the finality of the Final Office Action mailed on June 9, 2003 should be withdrawn.

If the Examiner persists in maintaining his rejections, Applicants submit that this Amendment was not presented at an earlier date in view of the fact that Applicants are responding to new grounds of rejection in a Final Office Action. In accordance with the requirements of 37 CFR 1.116, Applicants respectfully request entry and consideration of the foregoing amendments as they address minor informalities and place the current application in a condition for allowance.

Allowable Subject Matter

Applicants appreciate the Examiner's indication of allowable subject matter. Specifically, claims 20, 23, 25 and 38 have been allowed. In addition, the Examiner has indicated that the subject matter of claims 32, 33 and 35 would be allowed if rewritten in independent format. In light of the foregoing amendments to the claims, and as indicated by the Examiner in the Final Office Action, claims 20, 23, 25 and 38 should be allowed as indicated by the Examiner. Applicants submit that the remaining claims are also allowable as discussed in greater detail hereinafter.

Claim Rejections Under 35 U.S.C. § 102

Claims 1, 3, 9, 11 and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Seitz (U.S. Patent No. 1,617,423). Claims 1-3, 9, 11, 14, 17, 26-30, 39 and 40 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sasaki (U.S. Patent No. 5,769,532). These rejections are respectfully traversed.

With respect to the Seitz reference, Applicants respectfully submit that this reference fails to teach or suggest any *transflective* surface as alleged by the Examiner. Further, the Sasaki reference fails to teach or suggest any *transflective* surface as alleged by the Examiner. Specifically, Applicants submit that the term "transflective" is a term of art that one of ordinary skill in

the art will appreciate as having properties of both transmissive and reflective surfaces, e.g., transflective surfaces share many features of types of surfaces. However, transflective surfaces are clearly different than transmissive and/or reflective surfaces, e.g., the surfaces relied upon by the Examiner in the prior art of record are clearly not transflective surfaces. For example, *transflective* surfaces or displays have a translucent material or surface that reflects a portion of the surrounding light, and also transmits backlighting. If a transflective surface is used in reflection, it is not as bright and has lower contrast than the reflective type, but it can be backlit for use in low light conditions. Accordingly, these rejections should be withdrawn.

With respect to claim 1, Seitz and/or Sasaki fail to teach or suggest the unique combination of elements of the claimed invention, including a position light for use on an aircraft, comprising a prism having an input face, an output face, and *a transflective face to receive, distribute, and direct light emitted by said light source, said light source being located externally to said prism.*" (emphasis added)

With respect to claim 14, Sasaki fails to teach or suggest the unique combination of elements of the claimed invention, including "a prism having an input face, an output face, and *a transflective face to receive, distribute, and*

direct light emitted by said light source, said light source being located externally to said prism." (emphasis added)

With respect to claim 26, Sasaki fails to teach or suggest the unique combination of elements of the claimed invention, including "a prism having an input face, an output face, and *a transflective face to receive, distribute, and direct light.*" (emphasis added)

With respect to claim 28, Seitz and/or Sasaki fail to teach or suggest the unique combination of elements of the claimed invention, including a process incorporating "receiving, distributing, and directing light emitted from said light source by means of a prism having an input face, an output face, and *a transflective face*, said light sources being located externally to said prism." (emphasis added)

With respect to claim 39, Sasaki fails to teach or suggest the unique combination of elements of the claimed invention, including "*receiving, distributing, and directing light emitted from said light source by means of a prism having an input face, an output face, and a transflective face*, wherein a first portion of the light emitted from said light source undergoes total internal reflection *at said transflective face of said prism* and a second portion of the light emitted from said light source is transmitted through said *transflective face*, the combination of said first and second portions of light producing a

lighting pattern with *a sharp angular cutoff corresponding to the critical angle for said total internal reflection at said transflective face.*" (emphasis added)

With respect to the Seitz reference, the Examiner has indicated that the prism (element K) includes a transflective face. Applicants submit that this interpretation is improper. First, the pocket (element L) is clearly a structural element designed to support the prism (element K) within the inner casing (element H). However, this pocket (element L) is clearly not designed to permit any transmission of light nor is it intended to act as transflective surface (transmissive and reflective). Accordingly, the rejections based upon this reference should be withdrawn.

With respect to Sasaki, the alleged "transflective" surface of the prism of Sasaki is clearly not a transflective surface. For example, the Examiner has indicated that the reflective surfaces (element 31 in Sasaki) is actually a transflective surface. Applicants respectfully submit that Sasaki clearly indicates at col. 4, lines 64-67 through col. 5, lines 1-4 that these surfaces are only *reflective* surfaces. Further, there is no support in the Sasaki reference for the Examiner's suggestion that this surface is or may function as a transflective surface. Accordingly, this rejection is improper.

In accordance with the above discussion of the patents relied upon by the Examiner, Applicants respectfully submit that these documents, either in

combination together or standing alone, fail to teach or suggest the invention as is set forth by the claims of the instant application.

As to the dependent claims, Applicants respectfully submit that these claims are allowable due to their dependence upon an allowable independent claim, as well as for additional limitations provided by these claims.

Claim Rejections Under 35 U.S.C. § 103

Claims 5-8, 10, 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasaki (U.S. Patent No. 5,769,532) in view of Waltz et al. (U.S. Patent No. 5,450,301). Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasaki (U.S. Patent No. 5,769,532) in view of Roney et al. (U.S. Patent No. 5,528,474). Claims 1-3, 5-10, 14, 15, 17, 24, 26-29, 36, 37, 39 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaw et al. (U.S. Patent No. 6,419,372) in view of Kalmanash (U.S. Patent No. 5,211,463). Claims 16, 18, 19, 21, 22, 31 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaw et al. (U.S. Patent No. 6,419,372) in view of Kalmanash (U.S. Patent No. 5,211,463), and further in view of Yamada et al. (U.S. Patent No. 5,704,703). This rejection is respectfully traversed.

With respect to the rejections based upon the Sasaki reference, Applicants respectfully submit that this rejection has been obviated and/or

rendered moot. Specifically, as discussed in greater detail hereinabove, Sasaki fails to teach or suggest a prism having a transflective surface as alleged by the Examiner. For example, with respect to claim 5, the Sasaki reference fails to teach or suggest the unique combination of elements of the claimed invention, including "a prism having an input face, an output face, and *a transflective face to receive, distribute, and direct light emitted by said light source, said light source being located externally to said prism.*" (emphasis added) Accordingly, the rejections based upon this reference should be withdrawn.

With respect to the rejections based upon the combination of Shaw et al. in view of Kalmanash, Applicants respectfully submit that this rejection is improper. First, Applicants respectfully submit that the Examiner has not identified a prism within the Shaw et al. reference. Further, even if the alleged prism(s) (optical wedge 150 and optical waveguide 250) of Shaw were implicitly taught as *prisms* in this reference, the Examiner's insinuation that these alleged prism(s) include "transflective" faces is improper. Specifically, the Examiner's position appears to be that any three-sided optical wedge or prism anticipates the prism of the claimed invention having a transflective face. Applicants remind the Examiner that all of the optical wedges or prisms relied upon by the Examiner in the prior art of record as having transflective faces, are actually reflective or transmissive surfaces. Accordingly, these surfaces are

clearly not transfective surfaces as in the unique combination of elements of the claimed invention. Therefore, these rejections should be withdrawn.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state-of-the-art, no further comments are necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

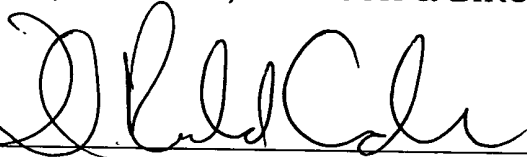
It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew T. Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

D. Richard Anderson
Reg. No. 40,439


DRA/MTS/cl

P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000